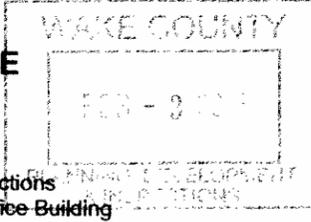




ZONING HARDSHIP VARIANCE APPLICATION



File #
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh
Contact (919) 856-6335 for additional information.

Unified Development Ordinance Regulation(s) Proposed to be Varied (cite each section(s) and identify requirement from which the variance(s) is (are) being requested; quantify variance – i.e. if this is a variance to allow an encroachment into a setback, give depth of encroachment and total square feet of area proposed to encroach into setback- be specific):

Article 5-11 Lot size and density

Lot size min is 30,000. Survey shows 40,722.57 to middle of road as per deed; 28,544.57 without right of way. The difference is 1456

Property

Parcel Identification Number: 34724389 0699930882

Address: 9240 Ten Ten Rd Raleigh NC 27603

Location: SW side of Old Stage, at/between Ten Ten and Old Stage

Total site area in square feet and acres: 81,558.43 square feet 1.87 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-40W / R-30

List Conditions of any Conditional Use Zoning Districts: N/A

Present land use(s): vacant / empty block garage

How is this proposed use a public necessity? It makes 1/2 of this parcel viable for the community and future development.

What is impact on surrounding neighborhood and adjacent properties? No impact. Parcel is already divided by a 2-lane road.

Property Owner

Name: Bob Williams

Address: 239 Flemington Rd

City: Chapel Hill State: NC Zip Code: 27517

E-mail Address: drw@bartlett-williams.com Fax:

Telephone Number: 919-949-4327

Applicant (person to whom all correspondence will be sent)

Name: Kristen Warren, Coberly Corp

Address: 4405 Irene Way

City: Raleigh State: NC Zip Code: 27603

E-mail Address: Kristenwarren@gmail.com Fax: _____

Telephone Number: 9192851436 Relationship to Owner: Buyer/neighbor

Extent of Proposed Variance (Describe the extent to which the regulation is proposed to be varied.)

1,456 sqft of 30,000 minimum lot size

Currently 40,722.57 to center, per deed

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: [Signature] Date: 2/2/15

Signature: _____ Date: _____

Signature: _____ Date: _____

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: [Signature] Date: 2/2/15

Notes: All documents and maps submitted as required become the property of Wake County.
The Wake County Unified Development Ordinance is on the web at www.wakegov.com.

Zoning Hardship Variance

Statement of Justification

Requested by Kristen Warren (buyer) and D. Robert Williams (heir to seller)

We would like Wake County to recognize that 9240 Ten Ten is already subdivided by a two lane road, and allow buyer to purchase one the NW portion and combine it with existing, leaving the SW portion 28,544, just 1,456 sqft less than the required 30,000.

Issue

9240 Ten Ten occupies two corners of Ten Ten and Old Stage. The parcel was split by a Ten Ten Rd about 75 years ago and has never been updated with Wake County to reflect the right of way.

1. Unnecessary hardship would result from the strict application of the ordinance.
 - a. The property owner would like to sell the section NW of the road to the adjacent property owner, and keep the piece with his family store and Mother's crape myrtle for sentimental reasons. If this variance is not granted, he cannot sell it without unreasonable accommodations.
 - b. As it stands today, there are two non-conforming lots under one parcel and neither is viable. Although the school side will never be used due to setbacks and size, the other side will be combined with 8714 Old Stage, making it both compliant and viable benefitting the community. Without the variance, both sides of the road will be non-conforming and unusable.
2. The hardship results from conditions that are peculiar to the property.
 - a. Between 1925 and 1940, the parcel was split by a secondary road and not given two pin numbers. The parcel does not reflect the right of way. As a result, the property owner has been paying property taxes on 26,509 sqft of roadway for at least 75 years. The property owner would like this variance in lieu of a refund or compensation.
3. The hardship did not result from actions taken by the applicant or the property owner.
 - a. Ten Ten Road split the parcel over 75 years ago, before either applicant or property owner was alive.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
 - a. The parcel is already subdivided by a secondary two lane road. We would like the county to recognized it as such, and grant it two pin numbers as is standard practice today.
 - b. This property and the surrounding properties are deeded to the center of the road. That makes this one 40,721 sqft, within compliance.
 - c. Currently, there are two non-conforming lots with one pin number. We would like to make at least one of these lots conforming by combining it with the adjacent property. The lot remaining with the family store is 28,545 (from the right of way) and already has a building, well and septic.

STATE OF NORTH CAROLINA _____ COUNTY _____
 Filed for Registration at _____ M.
 _____ in the
 Register of Deeds Office
 Recorded in Book _____ Page _____
 REGISTER OF DEEDS

STATE OF NORTH CAROLINA _____ COUNTY _____
 Review Officer of _____ County.
 certify that the map or plat to which this certification is
 affixed meets all statutory requirements for recording.
 REVIEW OFFICER _____ DATE: _____

STATE OF NORTH CAROLINA _____ COUNTY _____
 I, _____ certify that this plat was drawn
 under my supervision from an actual survey made under my supervision (said
 description recorded in Book _____ page _____ etc.) (other) that
 the boundaries not surveyed are clearly indicated as drawn from information
 found in Book _____ Page _____ the ratio of precision as
 calculated is 1:10,000. Page _____ that this plat was prepared in accordance
 with G.S. 47-30 as amended.
 Witness my original signature, registration
 of _____ A.D., 2015.

 Land Surveyor
 License No. L-1381
 State of North Carolina
 Seal of Linwood J. Jones
 Professional Land Surveyor

LEGEND:
 EIP = EX. IRON PIPE
 CP = CALCULATED POINT
 PP = POWER POLE
 SP = SERVICE POLE
 OHPL = OVERHEAD POWER LINES
 RBS = REBAR SET
 PKS = PK NAIL SET
 GW = GUY WIRE

MICHAEL J. ADAMS
 DB. 3041, PG. 983
 PIN: 0699846128

JAMES R. ADAMS
 ALTHEA C. ADAMS
 DB. 13190, PG. 2711
 PIN: 0699848483

COBERLY CORP.
 DB. 15858, PG. 753
 PIN: 0699941131

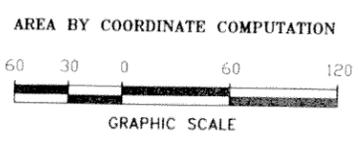
ISABEL AYALA
 DB. 6486, PG. 382
 PIN: 0699837821

TRACT 2
 0.94 AC.

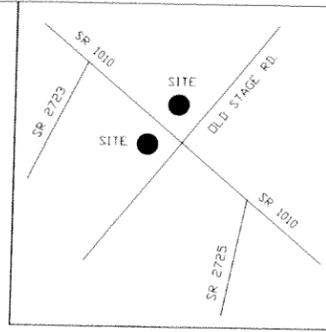
TRACT 1
 0.93 AC.

WAKE COUNTY BOARD
 OF EDUCATION
 DB. 13625, PG. 1724
 PIN: 0699834578

TRACT INFORMATION		
TRACT	SF	ACREAGE
1	40,722.57	0.93 (INCL R/W)
1	28,544.57	0.66 (EXCL R/W)
2	40,835.86	0.94 (INCL R/W)
2	26,737.79	0.61 (EXCL R/W)
TOTAL AREA	81,558.43	1.87 (INCL R/W)



PLAT NORTH
 PB. 1980, PG. 913



LINE TABLE		
LINE	LENGTH	BEARING
L1	63.49	N70°27'03"E
L2	36.75	N70°27'03"E
L3	34.20	N70°27'03"E
L4	93.80	N70°27'03"E
L5	32.73	N70°27'03"E
L6	27.97	N41°40'03"W
L7	140.55	N54°00'27"W

REFERENCE:
 MAP FOR BURKE L. OVERBY
 EMILY H. OVERBY
 BOM 1980, PG. 913
 MAP FOR WAKE COUNTY PUBLIC SCHOOLS
 VANCE ELEMENTARY SCHOOL
 BOM 1999, PG. 427

NOTES:
 NO NCGS MONUMENTS FOUND WITHIN 2000 FEET

THE SUBJECT PROPERTY GRAPHICALLY DOES NOT
 APPEAR IN A SPECIAL FLOOD HAZARD AREA AS
 DETERMINED BY NC FEMA FLOOD MAPS.
 PANEL: 3720069900 J
 DATE: 05/02/2006

THIS SURVEY IS OF EXISTING PARCEL OR PARCELS OF
 LAND AND DOES NOT CREATE A NEW STREET OR CHANGE
 AN EXISTING STREET.



OWNER:
 MARGARET WILLIAMS
 239 FLEMINGTON ROAD
 CHAPEL HILL, NC 27517
 DB. 460, PG. 174
 PIN: 0699930882
 BOM 1980, PG. 913
 BOM 1999, PG. 427

ZONING VARIANCE SITE PLAN

SOUTHWIND SURVEYING, PLLC
 LAND SURVEYING
 LAND PLANNING
 FIRM NUMBER: L-1381
 201 GLEN ROAD
 GARNER, N.C. 27529
 919-773-0183
 919-934-4556 (FAX)

KRISTEN WARREN					
TOWNSHIP	PANTHER BR.	COUNTY	WAKE	STATE	NC
SURVEYED BY		DRAWN BY			
LJJ/DJ		LCJ			
DATE	2/2/2015	SCALE	1"=60'	DRAWING NO.	15-0025